

HOUSE BILL No. 1540

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-5-42.2; IC 33-10.5-1-6; IC 33-10.5-10.

Synopsis: Tippecanoe superior courts. Eliminates two county courts in Tippecanoe County. Adds three superior courts in Tippecanoe County and gives each court a small claims and misdemeanor division. Abolishes the position of magistrate for the county court. Allows the new superior courts to appoint one full-time magistrate.

Effective: July 1, 1999; January 1, 2001.

**Klinker, Scholer, Villalpando,
Dvorak**

January 19, 1999, read first time and referred to Committee on Courts and Criminal Code.



Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1540

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 33-5-42.2 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2001]:
4 **Chapter 42.2. Tippecanoe Superior Court No. 4, No. 5, and**
5 **No. 6**
6 **Sec. 1. There are established three (3) courts of record in**
7 **Tippecanoe County to be known as:**
8 (1) **Tippecanoe superior court No. 4;**
9 (2) **Tippecanoe superior court No. 5; and**
10 (3) **Tippecanoe superior court No. 6;**
11 **(referred to as "court" in this chapter). Tippecanoe superior court**
12 **No. 4, No. 5, and No. 6 may each have a seal containing the words**
13 **"Tippecanoe Superior Court No. January 19(Insert Court Courts**
14 **and Criminal Code. Number) , Tippecanoe County, Indiana".**
15 **Tippecanoe County comprises the judicial district of each court.**
16 **Sec. 2. (a) Tippecanoe superior court No. 4, No. 5, and No. 6**
17 **each has one (1) judge, who shall be elected at the general election**

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every six (6) years in Tippecanoe County. The judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor.

(b) To be eligible to hold office as judge of the court, a person must be:

- (1) a resident of Tippecanoe County;
- (2) less than seventy (70) years of age at the time of taking office; and
- (3) admitted to the bar of Indiana.

Sec. 3. (a) Except as provided in subsection (b), each court has the same jurisdiction as the Tippecanoe circuit court.

(b) Tippecanoe superior court No. 4, No. 5, and No. 6 do not have probate or juvenile jurisdiction.

Sec. 4. The judges of Tippecanoe superior court No. 4, No. 5, and No. 6 have the same powers relating to the conduct of the business of Tippecanoe superior court No. 4, No. 5, and No. 6 as the judge of the Tippecanoe circuit court. The judge of each court also may administer oaths, solemnize marriages, and take and certify acknowledgments of deeds.

Sec. 5. The judges of Tippecanoe superior court No. 4, No. 5, and No. 6:

- (1) shall each appoint a bailiff and an official court reporter for the court; and
- (2) may each appoint other court personnel necessary to facilitate and transact the business of the court.

A person appointed under this section serves at the pleasure of the judge appointing the person. Their salaries shall be fixed in the same manner as the salaries of the bailiff, official court reporter, and other personnel for the Tippecanoe circuit court. Their salaries shall be paid monthly out of the treasury of Tippecanoe County as provided by law.

Sec. 6. The judges of Tippecanoe superior court No. 4, No. 5, and No. 6 shall jointly appoint one (1) full-time magistrate under IC 33-4-7. The magistrate continues in office until jointly removed by the judges of the courts.

Sec. 7. The clerk of the circuit court, under the direction of the judge of a court, shall provide order books, judgment dockets, execution dockets, fee books, and other books for the court, which shall be kept separately from the books and papers of other courts.

Sec. 8. Each court shall hold its sessions in the Tippecanoe County courthouse in Lafayette, Indiana, or in the other places in the county that the Tippecanoe county executive may provide. The



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1 county executive shall provide and maintain a suitable courtroom
 2 and other rooms and facilities, including furniture and equipment,
 3 as may be necessary for each court. The Tippecanoe County fiscal
 4 body shall appropriate sufficient funds for the provision and
 5 maintenance of these rooms and facilities.

6 Sec. 9. The jury commissioners appointed by the judge of the
 7 Tippecanoe circuit court shall serve as the jury commissioners for
 8 Tippecanoe superior court No. 4, No. 5, and No. 6. Juries shall be
 9 selected in the same manner as juries for the Tippecanoe circuit
 10 court. The grand jury selected for the Tippecanoe circuit court
 11 shall also serve as the grand jury for a court as may be necessary.

12 Sec. 10. The judge of the Tippecanoe circuit court or another
 13 superior court in the county may, with the consent of the judge of
 14 Tippecanoe superior court No. 4, No. 5, or No. 6, transfer any
 15 action or proceeding from the circuit court to Tippecanoe superior
 16 court No. 4, No. 5, or No. 6. The judge of Tippecanoe superior
 17 court No. 4, No. 5, or No. 6 may, with consent of the judge of the
 18 circuit court or the judge of another superior court in the county,
 19 transfer any action or proceeding from Tippecanoe superior court
 20 No. 4, No. 5, or No. 6 to the circuit court or the other superior
 21 court in the county.

22 Sec. 11. The judge of the Tippecanoe circuit court or another
 23 superior court in the county may, with the consent of the judge of
 24 Tippecanoe superior court No. 4, No. 5, or No. 6, sit as a judge of
 25 the court in any matter as if the judge of the circuit court or the
 26 other superior court were an elected judge of Tippecanoe superior
 27 court No. 4, No. 5, or No. 6. The judge of Tippecanoe superior
 28 court No. 4, No. 5, or No. 6 may, with consent of the judge of the
 29 circuit court or the judge of another superior court in the county,
 30 sit as a judge of the circuit court or the other superior court in any
 31 matter as if the judge of Tippecanoe superior court No. 4, No. 5, or
 32 No. 6 were an elected judge of the circuit court or the other
 33 superior court.

34 Sec. 12. Tippecanoe superior court No. 4, No. 5, and No. 6 each
 35 has a standard small claims and misdemeanor division.

36 Sec. 13. (a) Except as provided in this section, a judge of
 37 Tippecanoe superior court No. 4, No. 5, or No. 6 may adopt rules
 38 for conducting business in the court.

39 (b) Rules adopted under this section must be consistent with the
 40 laws of Indiana and the rules adopted by the supreme court.

41 (c) When adopting local rules to govern in all the courts of
 42 record in the county, the judge of the circuit court and the judges



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of all of the superior courts in the county shall act in concert. In the event of a disagreement, the decision of a majority of the judges controls. In the event of a tie, the decision joined by the circuit court judge controls.

(d) The judges of Tippecanoe superior court No. 4, No. 5, and No. 6 shall jointly adopt rules to provide for the coordination and conduct of the standard small claims and misdemeanor divisions in the courts.

Sec. 14. (a) The judges of Tippecanoe superior court No. 4, No. 5, and No. 6, by rules jointly adopted by the courts, shall designate one (1) of the judges of the courts as presiding judge for the standard small claims and misdemeanor divisions of the courts.

(b) The presiding judge shall insure that the standard small claims divisions operate efficiently.

SECTION 2. IC 33-10.5-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 6. The county courts of the following counties each have two (2) judges:

Madison County.

~~Tippecanoe County.~~

Vigo County.

SECTION 3. IC 33-10.5-10 IS REPEALED [EFFECTIVE JANUARY 1, 2001].

SECTION 4. [EFFECTIVE JULY 1, 1999] (a) At midnight on December 31, 2000, Tippecanoe county court No. 1 is abolished.

(b) Any case pending in Tippecanoe county court No. 1 after the close of business on December 31, 2000, is transferred on January 1, 2001, to Tippecanoe superior court No. 4 established by IC 33-5-42.2-1, as added by this act. All cases transferred under this SECTION that are eligible to be heard by the standard small claims and misdemeanor division shall be transferred to the standard small claims and misdemeanor division of the court in accordance with the venue requirements prescribed in Rule 75 of the Indiana rules of trial procedure. A case transferred under this SECTION shall be treated as if the case were filed in Tippecanoe superior court No. 4.

(c) On January 1, 2001, all property and obligations of Tippecanoe county court No. 1 become the property and obligations of Tippecanoe superior court No. 4.

(d) The initial judge of Tippecanoe superior court No. 4, established by IC 33-5-42.2-1, as added by this act, shall be the person who is the Tippecanoe county court No. 1 judge on December 31, 2000. The term of the initial judge begins January 1,



2001, and ends December 31, 2002. The initial election of a judge for Tippecanoe superior court No. 4, established by IC 33-5-42.2-1, as added by this act, shall be the general election conducted on November 5, 2002. The term of the initial elected judge begins January 1, 2003.

(e) This SECTION expires January 2, 2003.

SECTION 5. [EFFECTIVE JULY 1, 1999] (a) At midnight on December 31, 2000, Tippecanoe county court No. 2 is abolished.

(b) Any case pending in Tippecanoe county court No. 2 after the close of business on December 31, 2000, is transferred on January 1, 2001, to Tippecanoe superior court No. 5, established by IC 33-5-42.2-1, as added by this act. All cases transferred under this SECTION that are eligible to be heard by the standard small claims and misdemeanor division shall be transferred to the standard small claims and misdemeanor division of the court in accordance with the venue requirements prescribed in Rule 75 of the Indiana rules of trial procedure. A case transferred under this SECTION shall be treated as if the case were filed in Tippecanoe superior court No. 5.

(c) On January 1, 2001, all property and obligations of Tippecanoe county court No. 2 become the property and obligations of Tippecanoe superior court No. 5.

(d) The initial judge of Tippecanoe superior court No. 5, established by IC 33-5-42.2-1, as added by this act, shall be the person who is the Tippecanoe county court No. 2 judge on December 31, 2000. The term of the initial judge begins January 1, 2001, and ends December 31, 2002. The initial election of a judge for Tippecanoe superior court No. 5, established by IC 33-5-42.2-1, as added by this act, shall be the general election conducted on November 5, 2002. The term of the initial elected judge begins January 1, 2003.

(e) This SECTION expires January 2, 2003.

SECTION 6. [EFFECTIVE JULY 1, 1999] (a) The initial election of a judge for Tippecanoe superior court No. 6, established by IC 33-5-42.2-1, as added by this act, shall be the general election conducted on November 7, 2000. The term of the initial elected judge begins January 1, 2001.

(b) This SECTION expires January 2, 2003.

SECTION 7. [EFFECTIVE JULY 1, 1999] At midnight December 31, 2000, the office of magistrate of the Tippecanoe county court established by IC 33-10.5-10-2 is abolished. The magistrate serving as magistrate of the Tippecanoe county court on December 31,



1 **2000, shall serve as the initial full-time magistrate for Tippecanoe**
2 **superior court No. 4, Tippecanoe superior court No. 5, and**
3 **Tippecanoe superior court No. 6 as if appointed for the superior**
4 **courts under IC 33-4-7. The magistrate continues to serve until**
5 **jointly removed by the judges of Tippecanoe superior court No. 4,**
6 **Tippecanoe superior court No. 5, and Tippecanoe superior court**
7 **No. 6.**

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